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C O R R E C T E D C O P Y (UNCLASSIFIED)

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TAGS: [PGOV](#) [KHUM](#) [KU](#) [FREEDOM](#) [AGENDA](#)

SUBJECT: FREEDOM AGENDA: KUWAIT NATIONAL ASSEMBLY PASSES
NEW PRESS AND PUBLICATIONS LAW

REF: A. KUWAIT 703

[B.](#) KUWAIT 527

[C.](#) 05 KUWAIT 5306

[D.](#) 05 KUWAIT 5083

[E.](#) 05 KUWAIT 3925

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[11.](#) Summary: Kuwait's National Assembly ratified on March 6 a new Press and Publications law. It will now be sent to the Cabinet which has one month to approve or reject. If they do not respond, the law will be considered to be in force. The National Assembly approved amendments that the Government had insisted on, so it is unlikely that the Cabinet will stand in the way of implementation. The Press and Publication Law that is currently in effect dates from 1961. There has been vigorous debate about the new law, but in recent weeks a consensus emerged. Many critics of the old law realized a perfect law would never be passed, so they began to argue in favor of the revised law which could then more easily be amended in the near future. While enshrining in law a number of restrictions on what may be published, on balance the law will advance freedom of press in Kuwait by facilitating the process of obtaining media licenses and establishing transparency on press red lines. The law states that there will be no pre-publication censorship, i.e. the burden rests on publishers to stay within the law. End Summary.

Immediate Reactions: Not a Perfect Law But a Good Start

[12.](#) The immediate reaction of Post's media contacts is that the new law will provide more freedom to the press by paving the way for the licensing of new dailies. Although many have criticisms, there is general agreement that it is an improvement over the previous law. Liberals concede that the increased restrictions and penalties for publications violating the religious clauses of the law were a necessary quid pro quo for other freedoms.

What the New Law Says

[13.](#) The new law contains provisions about the conditions for obtaining a license to publish books, periodicals, or other means of expression, limitations on what can be published, and procedures and punishments for violations of the law's provisions. It contains many provisions that restrict publication on religious and political matters, but most commentators feel the very fact that a new law has been enacted will afford greater protection to a free press.

Introductory Chapter: Guarantee of Press Freedom

¶4. The law is divided into a introductory chapter and four main chapters. The introductory chapter begins with an article guaranteeing freedom of the press and of publication in general: "Freedom of the press and publication is guaranteed by the provisions of this law." It then defines the terms used in the document.

Chapter I: Publications

¶5. The first chapter deals with publications in general. It states that anyone can get a license from the Ministry of Information to open a business relating to publication (bookstore, advertising agency, distribution agency, printing house, etc.) as long as: He is a Kuwaiti citizen, he has a good reputation and has not had a legal judgment for a crime affecting his honor, that he have a high school education (or university for those involved in translation, though the Ministry can make exceptions to this clause), and that he own suitable premises. The owner must get permission from the Ministry to move, suspend, or change his business in any way.

Owners of licenses can transfer these licenses with Ministry approval, and as long as the transferee meets the conditions laid out above.

¶6. A printer must notify the Ministry in advance of any publications. Non-periodic publications must have the name of the printer, publisher and author on the first or last pages. Foreign publications may be distributed with Ministry approval and as long as they do not contain anything that violates the content restrictions from Chapter III. The local distributor is held responsible for any violations contained in foreign publications.

Chapter II: The Press (Periodicals)

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¶7. The second chapter deals with the journalistic press and starts with the following article: "The press is not subject to any pre-publication censorship." It goes on to say that no newspaper or magazine can be published without license from the Ministry, and that only journalistic companies or organizations may issue newspapers. Dailies must have a capitalization of 250,000 Dinars (approximately \$850,000).

¶8. To get a license, the applicant(s) must provide names, educational qualifications, dates of birth, and places of residence. The applicant must state how often the periodical will be issued, what language it will be in, and the goals of the publication, whether they are political, social, cultural, technical, or otherwise. The newspaper must get pre-approval to publish special sections. The licensee must have similar qualifications to those of a printer (mentioned above).

¶9. The Minister has 90 days to reject or approve the license application. If he does not respond, the license is considered denied. Those whose applications are refused have 60 days to appeal their case. For those who receive the license, they must provide a bank guarantee or deposit of 100,000 Dinars (\$340,000) for dailies or 25,000 (\$86,000) Dinars for less frequently issued publications. The license may not be rented, sold, or otherwise relinquished without Ministry approval. Licenses will be revoked if the license holder requests it, if publication stops for a specified period (3 months for dailies, 6 months for less frequent publications), if the licensed company is closed down for legal reasons such as bankruptcy, if the license-holder dies and no qualified heir is appointed within 6 months, or if the license holder loses the appropriate qualifications.

¶10. If none of these conditions are met, it takes a court order to revoke a license. However, a judge can issue an

order to stop publication for up to two weeks as a result of a request by the public prosecution. This stoppage can be renewed while a newspaper is under investigation or on trial.

¶11. The editor-in-chief must be an educationally-qualified Kuwaiti over 30 years old and must actually be supervising the day-to-day operations of the newspaper. He must also have a good reputation and not have been found guilty of a crime that reflects badly on his honor. The editor-in-chief must investigate the accuracy and truthfulness of everything published in the paper. He must also publish, free of charge, any response, correction or repudiation from the Ministry of Information or other governmental body or any person who was referred to by name or image in the paper, and the response must appear on the date specified by the concerned party in the same place, font, and size as the original article.

¶12. Foreign media representatives must be licensed by the Ministry.

Chapter III: Banned Content and Punishments

¶13. The third chapter deals with matters that may not be published:

-- Article 19: Insulting, mocking, or defaming God, prophets, descendants or companions of the prophets, Islamic tenets in any way.

-- Article 20: Criticism of the Amir or attributing anything to him without permission from his office (the "Amiri Diwan").

-- Article 21.1: Degrading the constitution;

-- Article 21.2: Questioning the neutrality of the courts or public prosecution;

-- Article 21.3: Debasing public morality and incitement to violating the "public system" or breaking the law even if no crime occurs;

-- Article 21.4: News of secret Government communications or publishing information about treaties before they are made public;

-- Article 21.5: Anything that would affect the value of the currency or economic stability, including bankruptcy notices of companies, without permission from the Ministry;

-- Article 21.6: Printing anything classified by the government as secret, even if the information is true;

-- Article 21.7: Slanderizing people, their way of life, or their beliefs; incitement to hate; demeaning a group in Kuwaiti society or revealing secrets that would hurt reputation, wealth, or commercial reputation;

-- Article 21.8: Insulting the private life or misattributing words to a Government official in a way that is untrue and intended to injure that person;

-- Article 21.9: Media campaigns designed to hurt the

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relations between Kuwait and its Arab or other allies;

-- Article 21.10: Matters that are not included in what the publication was originally licensed to print.

¶14. The Ministry may prevent the publication of commercial or other advertisements or notices according to the conditions laid down by Ministerial decrees.

¶15. The public prosecutor will investigate and prosecute violations of this law in the Court of First Instance, and its rulings may be appealed in the Court of Appeals. Appeals to Court of Appeals rulings can be taken to the Court of Cassation. The public prosecutor has three months from the date of publication to bring a criminal case against a publication license holder, while civil suits can be brought up to a year after the date of publication.

¶16. There will be a 500 - 1,000 KD (USD 1730 - USD 3460) fine for violations of Chapter One, though if the publication hurts the national interest or serves a foreign state or

organization or hurts the social or political system of Kuwait the fine is increased to 3,000 - 10,000 Dinars (USD 10,290 - USD 34,600), unless some other law includes a more severe punishment. In all cases, the publication will be confiscated.

¶17. Punishments for violations of the Third Chapter include:
-- Article 19: Prison for up to a year and/or a fine of 5,000 - 20,000 Dinars.
-- Article 20: 5,000 - 20,000 Dinar fine.
-- Article 21: 3,000 - 10,000 Dinar fine.
-- Anything in Chapter II: 1,000 - 3,000 Dinar fine.

¶18. The court can cancel the license or suspend the newspaper for up to a year and confiscate and destroy all copies and originals of the offending publication, as well as closing the printing press which printed the offending publication.

¶19. If the publication incites violent or illegal change of the political, social, or economic system in Kuwait, or embraces groups that want to destroy the basic system in Kuwait by illegal means, the editor-in-chief and the writer are punished according to Paragraph 1 of Article 29 of law 31 of 1970.

Chapter IV: Administrative Matters

¶20. The Fourth Chapter extends the law to audio-visual materials, cancels the previous Press and Publications law, and makes the Minister responsible for licensing, inspecting, and administratively closing establishments covered under the law.

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